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EXAMINER

SCHEIBEL, ROBERT C

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/827,039	<b>Applicant(s)</b> PELAEZ ET AL.	
	<b>Examiner</b> ROBERT C. SCHEIBEL	<b>Art Unit</b> 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- Examiner notes that Applicant has included a URL in the specification on line 5 of paragraph 63 (on page 9). This is typically not permitted as the link can point to a location on the internet at which information which can change over time. However, in this case, Applicant is providing the URL as an example of an addressing format used in the invention and not to point to art or other information relevant to the description of the invention. As such, this URL is permitted in this application.

### ***Claim Objections***

1. Claims **1-3, 8-10, and 15** are objected to because of the following informalities:

Claim **1** is objected to because the phrase “the call type” in line 3 should be changed to “a call type for the call” to provide proper antecedent basis for “call type”. The preambles of claims 2 and 3 should be updated accordingly.

Claim **2** is objected to because the phrase “the call protocol” in line 3 should be changed to “a call protocol for the call” to provide proper antecedent basis for “call protocol”.

Claim **3** is objected to because the phrase “the call protocol” in line 3 should be changed to “a call protocol for the call” to provide proper antecedent basis for “call protocol”.

Claim **3** is objected to because the phrase “the media type” in line 4 should be changed to “a media type for the call” to provide proper antecedent basis for “media type”.

Claim **8** is objected to because the phrase “the call type” in line 3 should be changed to “a call type for the call” to provide proper antecedent basis for “call type”.

Claim 9 is objected to because the phrase “the call protocol” in line 2 should be changed to “a call protocol for the call” to provide proper antecedent basis for “call protocol”.

Claim 10 is objected to because the phrase “the call protocol” in line 2 should be changed to “a call protocol for the call” to provide proper antecedent basis for “call protocol”.

Claim 10 is objected to because the phrase “the media type” in line 3 should be changed to “a media type for the call” to provide proper antecedent basis for “media type”.

Claim 15 is objected to because the phrase “the call protocol” in line 3 should be changed to “a call protocol for the call” to provide proper antecedent basis for “call protocol”.

Claim 15 is objected to because the phrase “the media type” in line 4 should be changed to “a media type for the call” to provide proper antecedent basis for “media type”.

Claim 15 is objected to because the phrase “the call type” in line 5 should be changed to “a call type for the call” to provide proper antecedent basis for “call type”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims **1, 4-6, 8, and 11-13** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2005/10223097 to Ramsayer et al.

Regarding claim **1**, Ramsayer discloses a method of routing a call in a wireless communications network made to a called party Subscriber Universal Destination Identifier (SUDI) (see paragraph 31 on page 3 - the public address that others will use to contact the user; Ramsayer indicates “the user may choose to use only a single address even though multiple endpoints and medias may be used) comprising:

determining the call type (the media type for an incoming call described throughout; see lines 10-17 of paragraph 34 on page 3, for example; also, see figure 3 which gives an example of determining a call type);

selecting a call-type-specific destination identifier for the call from a plurality of called party destination identifiers based on the call type (see paragraphs 34-36 on pages 3-4 which describe how a specific device is selected based on the call type; the address of the device (see “the address of each endpoint” discussed in line 3 of paragraph 31 on page 3) is the call-type-specific destination identifier); and

routing the call to the called party using the selected call-type-specific destination identifier (discussed throughout – see lines 10-14 of paragraph 34 on page 3 as one example).

Similarly, regarding claim **8**, Ramsayer discloses a system for routing a call in a wireless communications network made to a called party Subscriber Universal Destination Identifier (SUDI) (see paragraph 31 on page 3 - the public address that others will use to contact the user;

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Ramsayer indicates “the user may choose to use only a single address even though multiple endpoints and medias may be used) comprising:

means for determining the call type (the media type for an incoming call described throughout; see lines 10-17 of paragraph 34 on page 3, for example; also, see figure 3 which gives an example of determining a call type);

means for selecting a call-type-specific destination identifier for the call from a plurality of called party destination identifiers based on the call type (see paragraphs 34-36 on pages 3-4 which describe how a specific device is selected based on the call type; the address of the device (see “the address of each endpoint” discussed in line 3 of paragraph 31 on page 3) is the call-type-specific destination identifier); and

means for routing the call to the called party using the selected call-type-specific destination identifier (discussed throughout – see lines 10-14 of paragraph 34 on page 3 as one example).

Regarding claims **4 and 11**, Ramsayer discloses the limitation that the SUDI is a Uniform Resource Identifier (URI) in lines 5-9 of paragraph 40 on page 4 which discloses that in the example, User X's public address is an IP address. As indicated in paragraph 62 on page 9 of the user's specification, an IP address is a URI.

Regarding claims **5 and 12**, Ramsayer discloses the limitation that the SUDI is a Uniform Resource Locator (URL) in lines 5-9 of paragraph 40 on page 4 which discloses that in the example, User X's public address is an IP address. As indicated in paragraph 62 on page 9 of the user's specification, an IP address is a URL.

Regarding claims **6 and 13**, Ramsayer discloses the limitation that the SUDI is a Uniform Resource Name (URN) in lines 5-9 of paragraph 40 on page 4 which discloses that in the example, User X's public address is an IP address. As indicated in paragraph 62 on page 9 of the user's specification, an IP address is a URN.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims **2, 3, 9, 10, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/10223097 to Ramsayer et al in view of U.S. Patent Application Publication 2003/10023730 to Wengrovitz et al.

Regarding claim **15**, Ramsayer discloses a method of routing a call in a wireless communications network made to a called party Subscriber Universal Destination Identifier (SUDI) (see paragraph 31 on page 3 - the public address that others will use to contact the user; Ramsayer indicates “the user may choose to use only a single address even though multiple endpoints and medias may be used) comprising:

selecting a call-type-specific destination identifier for the call from a plurality of called party destination identifiers based on the call type (see paragraphs 34-36 on pages 3-4 which describe how a specific device is selected based on the call type; the address of the device (see “the address of each endpoint” discussed in line 3 of paragraph 31 on page 3) is the call-type-specific destination identifier); and

routing the call to the called party using the selected call-type-specific destination identifier (discussed throughout – see lines 10-14 of paragraph 34 on page 3 as one example).

Further, Ramsayer discloses using the SIP protocol (see Figure 2) and suggests using multiple protocols (see lines 5-8 of paragraph 26 on page 2).

However, Ramsayer does not disclose expressly the details of how the call type is determined (the three determining steps from the claims.)

However, Wengrovitz discloses:

determining the call protocol (see paragraph 71 on page 6 which indicates that the method (described using SIP) can be extended to multiple protocols including H.323; it is obvious that the step of determining the call protocol is required in order to perform the step of determining the media type (as this will be determined differently depending upon the protocol));



determining the media type (see paragraph 53 on page 4 and Figures 4 and 6; paragraph 53 describes the SUAPS inspecting the body of the SIP message to determine that the call is for audio only; Figure 4 and the associated description indicates that this is done by determining the media type (elements 106 and 108) in the SIP message);

determining the call type from the call protocol and the media type (see paragraph 53 on page 4 which indicates that the SUAPS determines (by inspecting the media type field in the SIP message – see Figure 4) that the call is a voice-only call; the call type in this case is determined using the media type (SIP fields 106 and 108 in Figure 4) and the protocol type (the SUAPS must determine that the protocol is SIP as opposed to H.323, for example, in order to properly parse the message)).

Ramsayer and Wengrovitz are analogous art because they are from same field of endeavor of multimedia communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Ramsayer to explicitly use the media type in SIP as well as other protocols and to determine the call type by using the protocol and the media type. The motivation for doing so would have been to allow efficient use of the media type field provided via SIP as well as to provide the flexibility of using other protocols. Therefore, it would have been obvious to combine Wengrovitz with Ramsayer for the benefit of improved efficiency and flexibility to obtain the invention as specified in claim 15.

Regarding claims **2 and 9**, Ramsayer discloses all limitations of parent claims 1 and 8 as indicated in the rejection under 35 U.S.C. 102(e) above. Further, Ramsayer discloses using the

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SIP protocol (see Figure 2) and suggests using multiple protocols (see lines 5-8 of paragraph 26 on page 2).

However, Ramsayer does not disclose expressly the details of how the call type is determined (the three determining steps from the claims.)

However, Wengrovitz discloses:

determining the call protocol (see paragraph 71 on page 6 which indicates that the method (described using SIP) can be extended to multiple protocols including H.323; it is obvious that the step of determining the call protocol is required in order to perform the step of determining the media type (as this will be determined differently depending upon the protocol));

determining the call type from the call protocol (see paragraph 53 on page 4 which indicates that the SUAPS determines (by inspecting the media type field in the SIP message – see Figure 4) that the call is a voice-only call; the call type in this case is determined using the media type (SIP fields 106 and 108 in Figure 4) and the protocol type (the SUAPS must determine that the protocol is SIP as opposed to H.323, for example, in order to properly parse the message)).

Ramsayer and Wengrovitz are analogous art because they are from same field of endeavor of multimedia communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Ramsayer to explicitly use the media type in SIP as well as other protocols and to determine the call type by using the protocol and the media type. The motivation for doing so would have been to allow efficient use of the media type field provided via SIP as well as to provide the flexibility of using other protocols.

Therefore, it would have been obvious to combine Wengrovitz with Ramsayer for the benefit of improved efficiency and flexibility to obtain the invention as specified in claim 2 and 9.

Regarding claims **3 and 10**, Ramsayer discloses all limitations of parent claims 1 and 8 as indicated in the rejection under 35 U.S.C. 102(e) above.

Further, Ramsayer discloses using the SIP protocol (see Figure 2) and suggests using multiple protocols (see lines 5-8 of paragraph 26 on page 2).

However, Ramsayer does not disclose expressly the details of how the call type is determined (the three determining steps from the claims.)

However, Wengrovitz discloses:

determining the call protocol (see paragraph 71 on page 6 which indicates that the method (described using SIP) can be extended to multiple protocols including H.323; it is obvious that the step of determining the call protocol is required in order to perform the step of determining the media type (as this will be determined differently depending upon the protocol));

determining the media type (see paragraph 53 on page 4 and Figures 4 and 6; paragraph 53 describes the SUAPS inspecting the body of the SIP message to determine that the call is for audio only; Figure 4 and the associated description indicates that this is done by determining the media type (elements 106 and 108) in the SIP message);

determining the call type from the call protocol and the media type (see paragraph 53 on page 4 which indicates that the SUAPS determines (by inspecting the media type field in the SIP message – see Figure 4) that the call is a voice-only call; the call type in this case is determined using the media type (SIP fields 106 and 108 in Figure 4) and the protocol type (the SUAPS

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must determine that the protocol is SIP as opposed to H.323, for example, in order to properly parse the message)).

Ramsayer and Wengrovitz are analogous art because they are from same field of endeavor of multimedia communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Ramsayer to explicitly use the media type in SIP as well as other protocols and to determine the call type by using the protocol and the media type. The motivation for doing so would have been to allow efficient use of the media type field provided via SIP as well as to provide the flexibility of using other protocols. Therefore, it would have been obvious to combine Wengrovitz with Ramsayer for the benefit of improved efficiency and flexibility to obtain the invention as specified in claim 3 and 10.

7. Claims **7 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/10223097 to Ramsayer et al in view of U.S. Patent 7,336,603 to Sugiyama et al.

Ramsayer discloses all limitations of parent claims 1 and 8 as indicated in the rejection under 35 U.S.C. 102(e) above. However, Ramsayer does not disclose expressly the limitation that the SUDI is a telephone number. However, it is well known in the art to use a telephone number for identifying a user. For example, Sugiyama discloses a means for translating a PSTN telephone number to an IP address to allow a Voice Over IP user to be contacted via the PSTN network. For example, consider lines 10-31 of column 6, which indicates an example of how a user is addressed by a telephone address which is converted to the appropriate IP address.

Ramsayer and Sugiyama are analogous art because they are from the same field of endeavor of communications systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Ramsayer to allow a user to be addressed by a telephone number instead of an IP address. The motivation for doing so would have been to allow the user to be accessed from the PSTN and thus be accessible to a larger pool of users. Therefore, it would have been obvious to combine Sugiyama with Ramsayer for the benefit of greater accessibility to obtain the invention as specified in claims 7 and 14.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent 5,226,075 to Funk et al discloses a method of and apparatus for numbering and routing calls through a communication network.
- U.S. Patent Application Publication 2003/0076818 to Naranjo et al discloses a method for automatic route selection based on call type.
- U.S. Patent Application Publication 2004/0053616 to Overtom et al discloses a method and apparatus for multiple terminal equipment routing.
- U.S. Patent Application Publication 2003/0099220 to Jeon et al discloses a method of routing client packet data services.
- U.S. Patent Application Publication 2006/0120351 to Rajagopalan discloses a method and system for providing cellular voice, messaging and data services over IP networks to enterprise users.

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- U.S. Patent Application Publication 2003/0161333 to Schain et al discloses a broadband modem residential gateway with efficient network traffic processing.
- U.S. Patent 5,742,668 to Pepe et al disclose an electronic messaging service for providing subscribers with a single address to which electronic mail messages and fax, pages and voice communications may be sent.
- U.S. Patent 7,299,286 to Ramsayer et al discloses a personal user agent.
- U.S. Patent Application Publication 2002/0110121 to Mishra discloses a web-enabled call management apparatus which has a media interface coupled to a call handler to present at least one call feature selection associated with media call type.
- U.S. Patent Application Publication 2004/0057569 to Busey et al discloses an automatic call distribution system.
- U.S. Patent 6,778,661 to Yumoto et al discloses a multimedia call distribution system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT C. SCHEIBEL whose telephone number is (571)272-3169. The examiner can normally be reached on Mon-Fri from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. C. S./  
Examiner, Art Unit 2619

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2/29/08